

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-20522 - APPLICANT/OWNER: LIVEWORK, LLC

**** CONDITIONS ****

The Planning Commission (5-1-1/sd/rt vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be defined as the alley and public access easement located east of 3rd Street, south of Charleston Boulevard.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. The plan shall also show how drivable access will continue to be provided to Assessors Parcel Number 162-03-110-002; the Order of Vacation shall not record until all issues regarding parcel access have been resolved. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-20507 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

7. All development shall be in conformance with code requirements and design standards of all City Departments.
8. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Vacation of a 20-foot wide public alleyway and access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard. This application is being submitted to provide the necessary area for the siting of a proposed mixed use development on this site.

The applicant is proposing to vacate approximately 138 linear feet of the public alleyway that run to the south of the western of the two parcels that make up the project site. Further, the applicant is proposing to vacate approximately 294 linear feet of the public access easement that runs east from the end of the public alleyway and then runs north through the eastern of the two parcels that make up the project site. Approval of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 05/18/95 | The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval. |
| 12/20/95 | The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval. |
| 04/03/96 | The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot Off-Premise Advertising (Billboard) Sign on the subject property. |
| 10/01/03 | The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| 04/26/07 | <p>The Planning Commission recommended approval of companion items ZON-20507, SUP-20519, SDR-20492 and SDR-20502 concurrently with this application.</p> <p>The Planning Commission voted 5-1-1/sd/rt to recommend APPROVAL (PC Agenda Item #57/rts).</p> |

| <i>Related Building Permits/Business Licenses</i> | |
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| 06/01/86 | A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review. |
| 10/02/91 | A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review. |
| 02/11/94 | A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review. |
| 03/23/95 | A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review. |
| 05/25/95 | A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review. |
| 08/12/96 | A business license for a M01 (Maintenance Services: Janitorial – Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review. |

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| 01/15/97 | A business license for a T07 (Travel & Ticket Agency – Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review. |
| 12/19/97 | A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval. |
| 03/01/00 | A business license for a M18 (Management or Marketing Service – Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A “cease and desist” order was issued on this license on 04/16/07. |
| 02/23/01 | A business license for a T-12 (Answering Message Service – Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review. |
| 12/19/01 | A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review. |
| 03/26/02 | A business license for a F02 (Finance Company – Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review. |
| 05/22/03 | A business license for an A23 (Bookkeeper – Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review. |

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| 06/13/03 | A business license for a M21 (Merchandise Broker – Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review. |
| 01/05/05 | A business license for a F11 (Specialty Food Store – For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06. |
| 04/18/05 | A business license for a B20 (Business Support Service – Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked “out of business” as of 03/29/07. |
| 08/12/05 | A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review. |
| 09/19/05 | A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked “expired” as of 02/26/07. |
| 08/25/06 | A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06. |

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| 08/25/06 | A business license for a Q20 (Interpreter/Translator – Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06. |
| 10/23/06 | A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06. |
| 02/10/07 | A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review. |
| <i>Pre-Application Meeting</i> | |
| 03/01/07 | A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required for this application, nor was one held. | |

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| <i>Field Check</i> | |
| 03/22/07 | The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway. |

| <i>Details of Application Request</i> | |
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| <i>Site Area</i> | |
| Net Acres | 2.67 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---|-------------------------|---------------------------------------|
| Subject Property | Office, Other Than Listed | C (Commercial) | C-2 (General Commercial) |
| | General Retail, Other Than Listed | C (Commercial) | C-1 (Limited Commercial) |
| | | | P-R (Professional Office and Parking) |
| North | Service Station (without Automotive Repair) | C (Commercial) | C-2 (General Commercial) |
| | Multi-Family Residential | C (Commercial) | C-2 (General Commercial) |
| | Undeveloped | C (Commercial) | C-2 (General Commercial) |
| South | Office, Other Than Listed | C (Commercial) | C-1 (Limited Commercial) |
| East | Service Station (without Automotive Repair) | C (Commercial) | C-2 (General Commercial) |
| | Mini-Storage Facility | C (Commercial) | C-2 (General Commercial) |
| | Hotel, Motel or Hotel Suites | C (Commercial) | C-1 (Limited Commercial) |
| West | General Retail, Other Than Listed | C (Commercial) | C-2 (General Commercial) |
| | Multi-Family Residential | MXU (Mixed Use) | C-1 (Limited Commercial) |
| | | | R-4 (High Density Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | | |
| Downtown Centennial Plan | X | | Y |
| Redevelopment Plan Area | X | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Live/Work Overlay District | X | | Y |
| Trails | | X | n/a |
| Rural Preservation Overlay District | | X | n/a |
| Development Impact Notification Assessment | X | | Y |
| Project of Regional Significance | | X | n/a |

DETAILS OF APPLICATION REQUEST

The property is legally described as a 20-foot wide public service alley and public access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard.

Said property being a portion of the North Half (N½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 3, Township 21 South, Range 61 East, M.D.M.

ANALYSIS

- **Planning and Development**

A Site Development Plan Review (SDR-20502) if approved would require that this vacation be approved and recorded in order to develop the site as reviewed. If the vacation is not approved by the City Council, then the site plan must be revised to conform to the existing right-of-way and access easement and resubmitted to the Planning and Development Department.

Planning staff has no objection to the vacation request. No adverse affects to traffic circulation or site access would result with the proposed vacation.

- **Public Works**

We present the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it will eliminate an alley and public access easement that will be incorporated into a proposed project.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the entire width of the public access easement and alley will be eliminated.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, however the entire area to be vacated will be incorporated into a proposed project.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, it will be incorporated into a proposed mixed-use project, ZON-20507 and SDR-20492.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No, however it eliminates the only drivable access to Assessors Parcel Number 162-03-110-002. A condition of approval has been added to address this issue.*

- F. Does this vacation request result in a conflict with any existing City requirements?
No.
- G. Does the Department of Public Works have an objection to this vacation request?
No.

PLANNING COMMISSION ACTION

There were some concerns regarding access at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 3 by Planning Department

APPROVALS 0

PROTESTS 1